

Notice of Allowability

Application No.

10/520,318

Examiner

Sean P. Shechtman

Applicant(s)

MAERTENS ET AL.

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/30/07.
2. ☒ The allowed claim(s) is/are 10-12 and 14-16.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Claim Objections

1. Objections withdrawn in light of the amendment.

Claim Rejections - 35 USC § 112

2. Rejections withdrawn in light of the amendment.

Allowable Subject Matter

3. Claims 10-12, 14-16 allowed.

The following is an examiner's statement of reasons for allowance:

Referring to claim 10, neither Watt nor the prior art of record, taken either alone or in obvious combination disclose a method of operating a harvesting machine having all the claimed features of applicant's instant invention, specifically including: the step of adjusting a performance variable of the harvesting machine occurs in dependence on the output of an inverted form of a yield loss estimation function $y'(t,g) = \exp(gu(t)) - 1$; wherein $y'(t,g)$ is the estimated yield loss, t is time, g is the stochastic parameter, $u(t)$ is the feedrate of crop, and \exp is an exponential function. It is for these reasons that applicant's invention defines over the prior art of record. Claims 11, 12, and 14 depend from claim 10 and are therefore also allowable.

Referring to claim 15, while Watt teaches a method of mapping one or more field lots for variations in a stochastic parameter that characterizes the instantaneously prevailing readiness with which crop is processed in a harvesting machine (Col. 17, line 66, - Col. 18, line 42), the method comprising the steps of: operating a harvesting machine to harvest crop in a field lot (See Fig. 4, element 160); measuring the machine effectiveness (Col. 25, lines 51-54) and determining the position of the machine in the field lot (Col. 11, lines 22-23); and mapping the optimized

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parameter value g' so as to produce a parameter map of the field lot (Fig. 4; Col. 18, lines 10-15; Col. 11, lines 15-27). Neither Watt nor the prior art of record, taken either alone or in obvious combination disclose a method of mapping one or more field lots for variations in a stochastic parameter g that characterizes the instantaneously prevailing readiness with which crop is processed in a harvesting machine having all the claimed features of applicant's instant invention, specifically including: simultaneously measuring a machine load and the machine effectiveness and determining the position of the machine in the field lot; storing data indicative of the position of the harvesting machine at time t ; using the measured machine load data $u(t)$, and machine effectiveness data $y(t)$ in an optimization of said parameter; and mapping optimized parameter values obtained from the step of using the measured machine load data $u(t)$ and machine effectiveness data $y(t)$ in an optimization of said parameter; so as to produce a parameter map of the field lot. It is for these reasons that applicant's invention defines over the prior art of record. Claim 16 depends from claim 15 and is therefore also allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean P. Shechtman whose telephone number is (571) 272-3754. The examiner can normally be reached on 9:30am-6:00pm, M-F.

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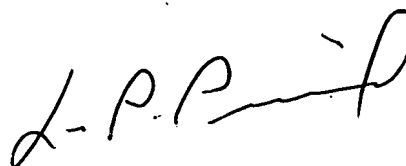
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P. Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SPS

Sean P. Shechtman

September 4, 2007

A handwritten signature in black ink, appearing to read "L. P. Picard", with a stylized flourish at the end.

LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100